J. Govt. Servants Conduct Rules

File No. 45

Legal Department

A **BRANCH**

Subject:—

Opinions Under the Government Servants Conduct Rules 1935

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C O N T E N T S

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Sr. No.	R. I. / O. No.	Subject	Pages.
		Opinions under the Government Servants Conduct Rules 1935.	
1.	9396 14-12-45	Rule 20(1) The Secretary of State's Services (Conduct) Rules, 1942 --- Rule 20 Whether ~~xxxx~~ last paragraph of P. & S.D. Circular No. 1581/34 dated the ~~1st~~ July 193~~0~~ is legally applicable to members of the All-India Services	1-2

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Office of the R.L.A.

Rule 20(1) of the Government Serfant's Conduct Rules, 1935 (Applicable to members of the services under the control of the Secretary of State for India in Council) lays down that, subject to any general or special order of the Local Government, no government servant shall take part in, subscribe in aid of, or assist in any way any political movement in India, or relating to Indian affairs.

2. The words "subject to any general or special order of the Local Government" do not appear in the corresponding rule 20 of the Secretary of State's Service (Conduct) Rules, 1942, which repealed the Government Servant's conduct Rules, 1935, The délection of these words implies that the Secretary of State has withdrawn from Local Governments the power to make general or special orders in the matter of Government servants participating in any political movement in India.

3. The P. & S.D. Circular No. 1581/34 dated 1st July 1939. recites:-

> "The attention (of all concerned) is invited to Rule 30 of the Bombay Civil Services Conduct, Discipline and Appeal Rules in which it is laid down that "No Government servant shall take part in, subscribe in aid of or assist in any any political movement in India, or any political movement relating to Indian affairs.
>
> .....
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> Government desire to make it clear that they adhere to the principle of this Rule, viz. that Government servants must bemain impartial and independent of all political parties; that is to say, they must obstain from any action that may lead to a charge of political partixanship.
>
> But subject to this principle, Government think it necessary to explain that mere attendance at public political meetings, organized by any political party, is not to be regarded as a breach of the Rule. Provided that care is taken that they play no part in meetings which might suggest that they favour a particular party, no objection will be taken to Government servants attending such meetings.".

4. The requisition referred to the R.L.A. for consideration is whether the last paragraph of the P. & S.D. Circular is legally applicable to members of the All-India Services subject to the Secretary of State's Services (Conduct) Rules 1942.

The P. & S.D. Circular invites attention of all concerned to Rule 30 of the Bombay Civil Services Conduct, ~~xxxxxxxx~~ Discipline and Appeal Rules. The persons concerned are obviously those Government servants to whom the Bombay Civil Services Conduct, Discipline and Appeal Rules apply. Rule 2 of these Rules inter alia provides that that the rule shall apply to all Government servants in Superior Service, Other than those included in the All-India and Central Services. It is thus evident that members of the Secretary of State's Services are excluded from the operation of the Bombay Civil Services Conduct, Discipline and Apppeal Rules. Consequently it does not appear that the P. & S.D. Circular was intended to apply to members of the Secretary to State's Services. Moreover, in view of the deletion of the words" subject to any general or special order of the Local Government" from rule 20 of the Secretary of State's Services (Conduct) Rules, 1942, it is very doubtful if the Circular can now be held applicable to members of the Secretary of State's Services.

Sd/- P.N.Moos

O.C. 13/12/45

Remembrancer of Legal Affairs.

U.R. to P. & S.D., No. 9396, dated 14th December 1945.

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